

## Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 JUSE-00 SNM-02 DRC-01

RSC-01 /025 W

----- 105311

P R 282033Z NOV 73

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC PRIORITY 6699

INFO DEA HQS WASH DC

C O N F I D E N T I A L SANTIAGO 5844

EO 11652: GDS

TAGS: PFOR, CPRS, SNAR, CI, US

SUBJ: GFT: FUGITIVES

REF: STATE 221621

1. EMBASSY HAS BEEN COLLECTING INFORMATION TO RESPOND REFTEL BUT FOR MOMENT HAS DEFERRED FURTHER ACTION TO AVOID STIRRING INTEREST OF LEGAL COMMUNITY PENDING RESOLUTION OF POSSIBILITY THAT GOC, WHICH APPEARS WELL DISPOSED IN THIS REGARD, WILL DELIVER NINE FUGITIVES UNDER PROVISIONAL ARREST AT OUR REQUEST TO DEA REPS WITHOUT GOING THROUGH FORMAL EXTRADITION.

2. IN OUR PRELIMINARY EXPLORATION WITH FON MINISTRY LEGAL ADVISER AND OTHER WELL INFORMED SOURCES IN LEGAL COMMUNITY, ATTORNEYS IDENTIFIED INDEPENDENTLY AND UNANIMOUSLY AS BEST MEETING REQUIREMENTS SPECIFIED PARA 2 REFTEL ARE (IN ALPHABETICAL ORDER) ALFREDO ETCHEBERRY ORTHUSTEGUY, MANUEL GUZMAN VIAL, AND MIGUEL SCHWEITZER SPEISKY. BIOGRAPHIC DATA AVAILABLE IN CHILEAN WHO'S WHO (DICCIONARIO BIOGRAFICO DE CHILE). IN VIEW LONG-STANDING MISSION CONTACT IN CONNECTION VARIOUS ASPECTS OF NARCOTICS COOPERATION, WITH WHICH DEPT AND DEA FAMILIAR, EMBASSY WOULD PREFER GUZMAN. SCHWEITZER WOULD PROBABLY HAVE TO BE ELIMINATED IF INFORMATION ACCURATE THAT HE IS DEFENDING AT LEAST ONE OF FUGITIVES (CANONICO). OUR SOURCES ASSURE US CHILEAN LAW NOWHERE TREATS HIRING OF ATTORNEYS BY FOREIGN GOVTS.

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3. LOCAL PRACTICE DOES NOT RPT NOT ENVISAGE ATTORNEY'S FEES ON PER HOUR AND SERVICE BASIS (PARA 3 REFTEL). MINIMUM FEES SUBJECT TO VARIATION UNDER NUMEROUS CRITERIA ARE SET BY BAR ASSOCIATION (COLEGIO DE ABOGADOS) IN PUBLISHED TARIFF OF FEES (ARANCEL DE HONORARIOS) BASED AT PRESENT ON BASIC WAGE (SUELDO VITAL) OF 6,000 ESCUDOS MONTHLY (CURRENT RATE OF EXCHANGE 780 ESCUDOS PER DOLLAR), WHICH IN EXTRADITION CASES DEFINED BROADLY TO RANGE FROM 2 MONTHLY BASIC WAGES TO 5 ANNUAL BASIC WAGES, TO WHICH WOULD PRESUMABLY BE ADDED FEES FOR ARGUMENTATION BEFORE HIGHER TRIBUNALS OF JUSTICE WHICH ARE AT ONCE MORE FLEXIBLE AND MORE COMPLICATED TO CALCULATE. STAGES THROUGH WHICH CASES WOULD PROCEED ARE RATHER DIFFERENT FROM OUTLINE IN REFTEL AND ARE THOSE SET OUT IN TITLE VI ARTICLES 644 THROUGH 655 OF CODE OF PENAL PROCEDURE OF WHICH DEPT HAS COPY. COURT OF FIRST INSTANCE IS PRESIDENT OF SUPREME COURT, WHILE REVIEW IS RESERVED TO FULL COURT AND IS PERFORMED WHETHER OR NOT THERE IS ANY APPEAL. PUBLIC MINISTRY WHICH INTERVENES AS SPECIFIED IN CODE IS THE FISCAL OF THE SUPREME COURT, WHO IS NOT A PROSECUTING ATTORNEY BUT COUNSELS THE COURT ON WHETHER OR NOT TO GRANT EXTRADITION. THERE IS NO PROSECUTING ATTORNEY (CF. SANTIAGO 5452). NO ROLE IS PLAYED THEREAFTER BY PRESIDENCY OR ANY HIGH RANKING CABINET OFFICIAL PARALLELING THAT OF THE SECRETARY OF STATE IN US, FON MINISTRY SIMPLY TRANSMITTING DECISION OF COURT AND MAKING APPROPRIATE ARRANGEMENTS TO DELIVER FUGITIVE IF EXTRADITION IS GRANTED.

4. EMBASSY FORESEES NO PROBLEMS IN PROVIDING CLOSE SUPERVISION ALONG LINES PARAS 4 AND 5 REFTEL AND WOULD OF COURSE REMAIN ALERT TO ADVANTAGE OF TERMINATING LOCAL COUNSEL AS EARLY AS FEASIBLE (PARA 6 REFTEL).

5. INFORMATION ON LEGAL THEORIES UPON WHICH EXTRADITION WILL BE SOUGHT (PARA 7 REFTEL) EVIDENTLY UNAVAILABLE TO US UNTIL WE CONSULT LAWYERS WHO MIGHT BE WILLING CONSIDER BEING RETAINED TO REPRESENT USG. HOWEVER FONMIN LEGAL ADVISER HAS POINTED OUT TO US INFORMALLY THAT CHILE OFTEN GRANTS EXTRADITION OF ITS OWN NATIONALS EVEN WHEN BY TREATY NO OBLIGATION SO TO DO EXISTS, AND EVEN TO COUNTRIES LIKE ARGENTINA WHICH ORDINARILY REFUSE TO RECIPROCATATE IN CASE OF OWN NATIONALS REQUESTED BY CHILE.

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6. EMBASSY HAS RECEIVED TO DATE FROM DEPT EXTRADITION DOCUMENTATION FOR EMILIO QUINTEROS (A-9677), MARIO SILVA LEIVA (A-9424), OSCAR LETELIER (A-9678), JUAN CARLOS CANONICO (A-9425), LUIS SERAFIN TORRES MORENO (A-9423), AND VLADIMIR BANDERA (A-9489), OF WHICH TRANSLATION RECEIVED FROM DEPT OF ONLY THE FIRST TWO. FON MINISTRY LEGAL ADVISER INFORMS US SUPREME COURT ACCEPTS TRANSLATIONS FROM CHILEAN FON MINISTRY AND FROM FON MINISTRY OF REQUESTING GOVT, BUT HE IS EXPLORING

WHETHER CHILEAN FON MINISTRY TRANSLATION DIVISION WOULD BE  
WILLING CERTIFY TRANSLATIONS MADE COMMERCIALY AT OUR EXPENSE  
(REQUEST FINANCIAL CITATION THIS PURPOSE) AND CERTIFIED BY  
EMBASSY. FOR REASONS STATED PARA 1 ABOVE WE ARE WITHHOLDING  
DELIVERY OF DOCUMENTS FOR THE MOMENT, BUT WITH CLOSE WATCH  
ON THE VARIOUS CUT-OFF DATES. HOPE FUTURE DOCUMENTATION SENT  
TO EMBASSY CAN BE ACCOMPANIED BY DEPT TRANSLATIONS.  
THOMPSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NARCOTICS, DRUG TRAFFIC, EXTRADITION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 28 NOV 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Disposition Reason:**  
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**Page Count:** 3  
**Previous Channel Indicators:**  
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**Previous Handling Restrictions:** n/a  
**Reference:** STATE 221621  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17-Jan-2002 by willialc>; APPROVED <12 FEB 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GFT: FUGITIVES  
**TAGS:** PFOR, CPRS, SNAR, CI, US  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005